

comply with this subsection to obtain a salvage certificate of title within fourteen days after the date of assignment of the certificate of title of the vehicle.

Sec. 11. Section 321.166, subsection 5, Code 1987, is amended to read as follows:

5. There shall be a marked contrast between the color of the registration plates and the data which is required to be displayed on the registration plates. When a new series of registration plates is issued to replace a current series, the new registration plates shall be of a distinctively different color from the series which is replaced, except for collegiate registration plates issued under section 321.34, subsection 10.

Sec. 12. Section 1 of this Act takes effect July 1, 1990.

Approved May 11, 1988

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## CHAPTER 1216

### TAKING OF ANIMALS

*H.F. 395*

**AN ACT** relating to the taking of animals and subjecting violators to penalties.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 109.1, Code 1987, is amended by adding the following new subsections:

NEW SUBSECTION. 16. "Bird" means a member of the class Aves.

NEW SUBSECTION. 17. "Fish" means a member of the class Pisces.

NEW SUBSECTION. 18. "Frog" means a member of the order Anura.

NEW SUBSECTION. 19. "Amphibian" means a member of the class Amphibia.

NEW SUBSECTION. 20. "Reptile" means a member of the class Reptilia.

NEW SUBSECTION. 21. "Mussels" means the pearly fresh water mussels, clams or naiads, and their shells.

NEW SUBSECTION. 22. "Fur-bearing animals" means the following which are declared to be fur-bearing animals for the purpose of regulation and protection under the Code: beaver, badger, mink, otter, muskrat, raccoon, skunk, opossum,\* spotted skunk or civet cat, weasel, coyote, bobcat, wolf, groundhog, red fox, and gray fox. This chapter does not apply to domesticated fur-bearing animals.

NEW SUBSECTION. 23. "Game" means all of the animals specified in this subsection except those designated as not protected, and includes the heads, skins, and any other parts, and the nests and eggs of birds and their plumage.

a. The Anatidae: such as swans, geese, brant, and ducks.

b. The Rallidae: such as rails, coots, mudhens, and gallinules.

c. The Limicolae: such as shorebirds, plovers, surfbirds, snipe, woodcock, sandpipers, tattlers, godwits, and curlews.

d. The Gallinae: such as wild turkeys, grouse, pheasants, partridges, and quail.

e. The Columbidae: such as mourning doves and wild rock doves only.

f. The Scuridae: such as gray squirrels, fox squirrels.

g. The Leporidae: cottontail rabbits and jackrabbits only.

h. The Cervidae: such as deer and elk.

NEW SUBSECTION. 24. "Spawn" means any of the eggs of any fish, amphibian, or mussel.

NEW SUBSECTION. 25. "Turtle" means any member of the order Testudines.

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\*According to enrolled Act

NEW SUBSECTION. 26. "Biological balance" means that condition when the number of animals present over the long term is at or near the number of animals of a particular species that the available habitat is capable of supporting.

Sec. 2. Section 109.1, subsections 8 and 14, Code 1987, are amended to read as follows:

8. "Take" or "taking" or "attempting to take" or "hunt" is any pursuing, or any hunting, fishing, killing, trapping, snaring, netting, searching for or shooting at, stalking or lying in wait for any game, animal, bird, or fish protected by the state laws or ~~regulations~~ rules adopted by the commission whether or not such ~~game animal~~ be then subsequently captured, killed, or injured.

14. "Wild mammal" means a ~~mammal and family of mammal listed in sections 109.40 and 109.41~~ member of the class Mammalia.

Sec. 3. Section 109.12, Code 1987, is amended to read as follows:

109.12 SEIZURE OF UNLAWFUL GAME.

~~It shall be the duty of the~~ The director or any peace officer ~~to~~ shall seize with or without warrant and take possession of any fish, furs, birds, or animals, or mussels, clams, ~~and~~ or frogs, ~~except for bait~~ which have been caught, taken, or killed at a time, in a manner, or for a purpose, or had in possession or under control, or offered for shipment, or illegally transported in the state or to a point beyond the its borders thereof, contrary to the provisions of this ~~chapter~~ Code.

Sec. 4. Section 109.13, Code 1987, is amended to read as follows:

109.13 SEARCH WARRANTS.

Any court having jurisdiction of the offense, upon receiving proof of probable cause for believing that any fish, mussels, clams, frogs, birds, furs, or animals caught, taken, killed, had in possession, under control, or shipped, contrary to ~~any of the provisions of this chapter~~ the Code, or hidden or concealed in any place, shall issue a search warrant and cause a search to be made in any place therefor. The property so seized under ~~such~~ such warrant shall be safely kept under the direction of the court so long as necessary for the purpose of being used as evidence in any trial, and if ~~such~~ a trial results in a conviction the property seized shall be confiscated by the director or the director's officers.

Sec. 5. Section 109.21, Code 1987, is amended to read as follows:

109.21 BIRDS AS TARGETS.

~~No~~ A person shall not keep or use any live pigeon or other bird as a target, to be shot at for amusement or as a test of skill in marksmanship, or shoot at a bird kept or used for such purpose, or be a party to such shooting, or lease any building, room, field, or premises, or knowingly permit the use thereof, for the purpose of such shooting. ~~Nothing in this~~ This section ~~shall~~ does not prevent any person from shooting at live pigeons, sparrows, ~~erows~~ erows and starlings when used in the training of hunting dogs.

Sec. 6. Section 109.24, Code 1987, is amended to read as follows:

109.24 USE OF MOBILE TRANSMITTER PROHIBITED.

A person who is hunting shall not use a mobile radio transmitter to communicate the location or direction of game or fur-bearing animals or to co-ordinate the movement of other hunters. This section does not apply to the hunting of coyotes from January 1 through March 31.

Sec. 7. Section 109.32, unnumbered paragraph 1, Code 1987, is amended to read as follows:

Whoever shall take, catch, kill, injure, destroy, have in possession, buy, sell, ship, or transport any frogs, fish, mussels, birds, their nests, eggs, or plumage, fowls, game, or animals or their fur or raw pelt in violation of the provisions of this chapter or of administrative rules

of the commission or whoever shall use any device, equipment, seine, trap, net, tackle, fire-arm, drug, poison, explosive, or other substance or means, the use of which is prohibited by this chapter, or use the same at a time, place, or in a manner or for a purpose prohibited, or do any other act in violation of the provisions of this chapter or of administrative rules of the commission for which no other punishment is provided, ~~shall be~~ is guilty of a simple misdemeanor and shall be assessed a minimum fine of ten dollars for each offense.

Sec. 8. Section 109.32, Code 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A person convicted of taking a deer, antelope, moose, buffalo, or elk with a prohibited weapon as defined by rules of the department, is subject to a fine of one hundred dollars for each offense committed while taking the animal with the prohibited weapon.

Sec. 9. Section 109.34, Code 1987, is amended to read as follows:

109.34 VIOLATIONS BY COMMON CARRIER.

~~Any~~ A common carrier which ~~shall violate~~ violates any of the provisions of this chapter relating to receiving, having in possession, shipping, or delivering any fish, fowls, birds, birds' nests, eggs, or plumage, fur, raw pelts, game, or animals, in violation of the provisions of ~~this chapter~~ the Code or contrary to the regulations and restrictions therein provided in this chapter, and any agent, employee, or servant of ~~such corporation~~ a common carrier violating such provisions, ~~shall be~~ is guilty of a simple misdemeanor.

Sec. 10. Section 109.37, subsection 1, Code 1987, is amended by striking the subsection.

Sec. 11. Section 109.37, subsection 4, Code 1987, is amended to read as follows:

4. Have in possession any implements, devices, equipment, or means whatever of taking fish, birds, or animals protected by ~~this chapter~~ the Code at any place where the possession or use thereof is prohibited.

Sec. 12. Section 109.38, unnumbered paragraph 1, and subsections 1 and 2, Code 1987, are amended to read as follows:

It ~~shall be~~ is unlawful for ~~any~~ a person to take, pursue, kill, trap or ensnare, buy, sell, possess, transport, or attempt to so take, pursue, kill, trap or ensnare, buy, sell, possess, or transport any game, protected nongame ~~birds~~ animals, fur-bearing animals or fur or skin of such animals, mussels, frogs, spawn or fish or any part thereof, except upon the terms, conditions, limitations, and restrictions set forth herein, and ~~administrative orders~~ rules necessary to carry out the purposes set out in section 109.39, or as provided by the Code.

1. The commission may upon its own motion and after an investigation, alter, limit, or restrict the methods or means employed and the instruments or equipment used in taking wild mammals, ~~wild turkey, pheasant, quail~~ birds subject to section 109.48, fish, reptiles, and amphibians, if the investigation reveals that the action would be desirable or beneficial in promoting the interests of conservation, or the commission may, after an investigation when it is found there is imminent danger of loss of fish through natural causes, authorize the taking of fish by means found advisable to salvage imperiled fish populations.

2. ~~If following an investigation the commission finds that the number of hunters licensed to take deer or wild turkey should be limited, further regulated, or expanded, the commission shall conduct a drawing to determine which applicants receive a license. If further deer depopulation is warranted in localized areas, the commission shall consider additional hunting days and additional any-sex deer licenses shall be issued for those areas. Applications for licenses shall be received and accepted during a forty-five day period established by the commission. At the end of the period the drawing shall be conducted. If the quota has not been filled, licenses~~

shall be issued in the order in which applications are received and shall continue to be issued until the quota has been met or until a date fifteen days prior to the opening day of the season, whichever first occurs. If the commission finds that the number of hunters licensed or the type of license issued to take deer or wild turkey should be limited or further regulated the commission shall conduct a drawing to determine which applicants shall receive a license and the type of license. Applications for licenses shall be received during a period established by the commission. At the end of the period a drawing shall be conducted. The commission may establish rules to issue licenses after the established application period. If an applicant receives a deer license which is more restrictive than licenses issued to others for the same period and place, the applicant shall receive a certificate with the license entitling the applicant to priority in the drawing for the less restrictive deer licenses the following year. The certificate must accompany that person's application the following year, or the applicant will not receive this priority. Persons purchasing a deer license for the gun season under this section and under section 110.1 are not eligible for a gun deer-hunting license under section 110.24. This subsection does not apply to the hunting of wild turkey on game breeding and shooting preserves licensed under chapter 110A.

Sec. 13. Section 109.39, Code 1987, is amended to read as follows:

109.39 BIOLOGICAL BALANCE MAINTAINED.

The open seasons, closed seasons, bag limits, size limits, catch limits, possession limits and territorial limitations set forth herein pertaining to fish, game and various species of wildlife are based upon a proper biological balance as hereinafter defined being maintained for each species or kind. The seasons, catch limits, bag limits, size limits, possession limits and territorial limitations set forth herein shall prevail and be in force and effect for each and every species of wildlife to which they pertain as long as the biological balance for each species or kind remain such as to assure the maintenance of an adequate supply of such species. The commission is designated the sole agency to determine the facts as to whether such biological balance does or does not exist. If the commission, after investigation finds that the number or the number and sex of each or any species or kind of wildlife is at variance to aforesaid condition, the The commission shall, by administrative rule, extend, shorten, open, or close seasons and set, increase, or reduce catch limits, bag limits, size limits, possession limits, or territorial limitations or further regulate taking conditions in accordance with said findings sound fish and wildlife management principles. For the purpose of this section biological balance is defined as that condition when all losses to population are compensated by natural reproductive activity or artificial replenishment,\* replacement or stocking.

If the commission finds that the biological balance of deer cannot be maintained on land owned by the federal government because of hunting prohibitions on weekdays, the commission may extend the open season for deer hunting within such areas for one or more weekends beyond the regular season as established by the commission. The total number of days of deer hunting permitted in areas owned by the federal government shall not exceed the total number of days authorized for deer hunting in the state, or that part of the state in which the federal-owned land is located, as established by the commission.

Sec. 14. Section 109.52, Code 1987, is amended to read as follows:

109.52 EXHIBITING CATCH TO OFFICER.

Any A person who shall have has in possession any game bird or game animal, fish or fur or part thereof shall upon request of the director or any officer appointed by the commission department exhibit the same it to the director or officer, and a refusal to do so shall constitute is a violation of this chapter the Code.

Sec. 15. Section 109.53, Code 1987, is amended to read as follows:

\*According to enrolled Act

### 109.53 CHASING FROM DENS.

It shall be unlawful to have in possession while hunting or to use while hunting any ferret or mechanical any device or any substance to be used for chasing animals from their dens.

Sec. 16. Section 109.55, Code 1987, is amended to read as follows:

#### 109.55 SELLING GAME.

Except as otherwise provided, it shall be unlawful for any a person to shall not buy or sell, dead or alive, any a bird or animal or any part thereof of one which is protected by this chapter, but nothing in this section shall does not apply to fur-bearing animals, rabbits, and the skins, and plumage, and antlers of legally taken game. Deer hides shall be plainly labeled with the owner's name and address and license number prior to the sale. This name and address and license number must remain attached to the hide while such hide is within the boundaries of this state. This section does not prohibit the purchase of jackrabbits from sources outside this state. No A person shall not purchase, sell, barter, or offer to purchase, sell, or barter for millinery or ornamental use the feathers of migratory game birds; and no a person shall not purchase, sell, barter, or offer to purchase, sell, or barter mounted specimens of migratory game birds.

Sec. 17. Section 109.56, subsection 1, Code 1987, is amended to read as follows:

1. Except during the open gun season for hunting deer at which time no training of dogs is allowed, any A person having a valid hunting license may train a bird dog on any game birds and a person having a valid fur harvester license may train a coon hound, fox hound, or trailing dog on any fur-bearing animals at any time of the year including during the closed season on such birds or animals, provided. However, the animals when pursued to a tree or den shall not be further chased or removed in any manner from the tree or den. A person having a hunting license may train a dog on coyote or groundhog.

Only a pistol, revolver, or other gun shooting blank cartridges shall be used while training dogs during closed season except as provided in subsection 2 of this section.

Sec. 18. Section 109.57, Code 1987, is amended to read as follows:

#### 109.57 POSSESSION AND STORAGE.

Any A person having lawful possession of game or fur-bearing animals or their pelts may hold same them for not to exceed ten thirty days after the close of the open season for such game or fur-bearers. A permit to hold such game for a longer period may be granted by the commission department.

Sec. 19. Section 109.60, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

#### 109.60 RAISING GAME – RULEMAKING AUTHORITY.

A person shall not raise or sell game or fur-bearing animals of the kinds protected by this chapter without first procuring a game breeder's license as provided by law. The commission may adopt rules which ensure that all game birds, game animals, and fur-bearing animals handled and confined by licensed game breeders are provided with humane care and treatment. A violation of a rule adopted by the commission is a cause for license revocation. This section does not apply to governmental zoos and exhibits.

Sec. 20. Section 109.61, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

#### 109.61 LICENSED GAME BREEDERS – MARKETING GAME – PENALTY.

1. Except as otherwise provided by law, a licensed game breeder whose original stock is obtained from a lawful source may possess any game bird, game animal, or fur-bearing animal,

or any of their parts. Possession and use of the game birds, game animals, or fur-bearing animals obtained from a licensed game breeder are lawful.

2. Fur-bearing animals shall not be acquired for breeding or propagating purposes from any source unless they have been pen-raised for at least two successive generations.

3. A game breeder's license is not a license to possess, breed, propagate, sell, or dispose of any species which is defined as endangered or threatened under state law unless the species is listed on the license. Its possession, breeding, propagation, sale, and disposal are subject to all applicable state and federal statutes.

4. A licensed game breeder shall not acquire protected live game animals, game birds, their eggs, or fur-bearing animals taken from the wild within this state.

5. Game birds or game animals may be sold for food only under the following conditions:

a. The licensed game breeder shall file with the commission a facsimile of a stamp of similar type to that used by the United States department of agriculture in grading meat.

b. Licensed game breeders may sell dressed game birds or game animals to markets for resale providing each game bird or game animal has affixed upon it in a conspicuous and legible manner the imprint of the game breeder's stamp.

c. The stamp shall bear the name and number of the game breeder in letters of at least twelve-point type size.

6. Markets selling stamped game shall:

a. Maintain the stamp on each game bird or game animal until the bird or animal is disposed of or sold.

b. Keep a record showing the total number of game birds or game animals sold together with the name and address of the game breeder from whom purchased and the number of game birds and animals in each purchase.

7. Markets selling stamped game, together with their records, are subject to inspection by an authorized representative of the commission at any reasonable time.

8. Violation of a provision of this section may be cause for license revocation.

Sec. 21. Section 109.62, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

**109.62 RECORDS — REPORTS — INSPECTION.**

1. A holder of a game breeder's license shall keep the records and make the reports required by this section on forms provided by the department. The records shall be open for inspection at any reasonable time by the department or its authorized agents.

2. At the time of every sale or conveyance of an animal, animal parts, or products, the licensee shall complete a game breeder's sales receipt on forms provided by the department. The forms shall require the following information:

a. The name, address, county, and license number assigned to the breeder.

b. The name and address of the purchaser.

c. The number, species, sex, and age of the animals or birds conveyed.

3. Licensees shall maintain business records for all species in an annual report record book. The records shall include the following information:

a. For each animal acquired other than by birth on the licensee's game farm, the sex and species, the date of acquisition, the number acquired, and the name and address of the source from which acquired.

b. For each animal born on the licensee's game farm, the sex, species, date of birth, and number of any band, tag, or tattoo subsequently attached to the animal.

c. For each animal sold or disposed of other than by death the same information required by the game breeder's sales receipt.

d. For each animal which dies, disappears, or is destroyed on the licensee's game farm, the sex, species, date of death, and the number of any band, tag, or tattoo attached to the animal.

The licensee's copies of the required sales receipts shall be kept with the record book and are considered a part of it.

Records required by this section shall be entered in the annual report record book within forty-eight hours of the event.

4. Each licensee shall file an annual report with the commission on or before January 31. The report shall detail the game breeder's operations during the preceding license year. The original report shall be forwarded to the department and a copy shall be retained in the breeder's file for a period of three years from the date of expiration of the breeder's last license issued. Failure to keep or submit the required records and report are grounds for a refusal to renew a license for the succeeding year.

5. An on-site inspection of facilities shall be conducted by an officer of the commission prior to the initial issuance of a game breeder's license. The facilities may be reinspected by an officer of the commission at any reasonable time.

6. Any officer of the commission may enter any place where any game bird, game animal, or fur-bearing animal is at the time located, or where it has been kept, or where the carcass of such animal may be, for the purpose of examining it in any way that may be necessary to determine whether it was or is infected with any contagious or infectious disease.

7. For the purpose of this section, infectious and contagious disease includes rabies, hoof and mouth disease, leptospirosis, black-head, or any other communicable disease so designated by the commission.

8. The commission may regulate or prohibit the importation into the state and exportation from the state of any species of game bird, game animal, or fur-bearing animal, domesticated or not, which in its opinion, for any reason, is determined to be detrimental to the health of animals within or without the state.

9. The commission may quarantine or destroy any game bird, game animal, or fur-bearing animal which is found to be infected with any contagious or infectious disease.

10. A licensed game breeder or other person having control of any game bird, game animal, or fur-bearing animal shall not knowingly offer for sale, sell, or barter such birds or animals which have an infectious or contagious disease, or allow those birds or animals to run at large or come in contact with any other game birds, game animals, or fur-bearing animals.

Sec. 22. Section 109.63, unnumbered paragraphs 1 and 2, Code 1987, are amended to read as follows:

Any person may be authorized to sell minnows, frogs, crayfish, salamanders, and elams mussels for fish bait upon the payment of a license fee to the commission. Minnow and bait boxes and tanks shall be open to inspection by the director and conservation officers at all times. ~~They~~ The licensee shall have tanks and bait boxes of sufficient size, with proper aeration to keep the bait alive and prevent heavy loss.

~~Such~~ Except for species listed under chapter 109A as endangered or threatened, the license shall authorize the licensee to take from the lakes and streams in the state that are not closed to the taking of minnows, frogs, crayfish, salamanders, and elams mussels, sufficient minnows, frogs, crayfish, salamanders, and elams mussels to carry on and supply the licensee's customers with bait for hook and line fishing if the licensee is present while the bait is being collected.

Sec. 23. Section 109.65, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

109.65 LICENSES.

The director may, after investigation, issue to any person a scientific collector's license, a wildlife salvage permit, educational project permit, or a wildlife rehabilitation permit. A scientific collector's license will authorize the licensee to collect for scientific purposes only, any

birds, nests, eggs, or wildlife. A wildlife salvage permit will authorize the permittee to salvage for educational purposes, any birds, nests, eggs, or animals according to the rules of the department. An educational project permit authorizes the permittee to collect, keep, or possess for educational purposes birds, fish or wildlife which are not endangered, threatened or otherwise specially managed according to the rules of the department. A wildlife rehabilitation permit will authorize the permittee to possess for rehabilitation purposes only, any orphaned or injured wildlife according to the rules of the department. A person to whom a license or permit is issued shall not dispose of any birds, nests, eggs, or wildlife or their parts except upon written permission of the director. The application for such licenses and permits shall be made upon blanks furnished by the department. Each holder of a license or permit shall, by January 31 of each year, file with the department a report showing all specimens collected or possessed under authority of the license or permit. Upon a showing of cause the department may enter and inspect the premises and collections authorized by this section. A license or permit may be revoked by the director, after due notice, at any time for cause.

Sec. 24. Section 109.67, Code 1987, is amended to read as follows:  
109.67 SEASONS AND LIMITS.

It is unlawful for any a person, except as otherwise expressly provided, to take, capture, or kill fish, or frogs, or turtles except during the open season established by the commission. It is unlawful during open season to take in any one day an amount in excess of the daily catch limit designated for each variety or each locality, or have in possession any variety of fish, or frog, or turtle in excess of the possession limit, or have in possession any frog, or fish, or turtle at any time under the minimum length or weight. The open season, possession limit, daily catch limit, and the minimum length or weight for each variety of fish, or frog, or turtle shall be established by rule of the department or commission under the authority of sections 107.24, 109.38, and 109.39 and 109B.1.

Sec. 25. NEW SECTION. 109.68 FISH DESIGNATED.

The commission may adopt rules designating game fish, commercial fish, and rough fish.

Sec. 26. Section 109.72, Code 1987, is amended to read as follows:  
109.72 HOOKS.

No A person shall not at any time take from the waters of the state any fish, except as otherwise provided in this chapter, except with hook, line, and bait, nor shall any a person use more than two lines nor more than two hooks on each line in still fishing or trolling, and in fly fishing not more than two flies may be used on one line, and in trolling and bait casting not more than two trolling spoons or artificial bait may be used on one line. No A person shall not leave such fish line or lines and hooks in the water unattended or take or attempt to take any fish by snagging or to purposely hook them in any other part than in the mouth by being out of visual sight of the lines and hooks. One hook shall mean means a single, double, or treble pointed hook, and all hooks attached as a part of an artificial bait or lure shall be counted as one hook.

Sec. 27. Section 109.73, Code 1987, is amended to read as follows:  
109.73 TROT LINES AND TAGGED LINES.

It shall be unlawful for any person to use in In the waters of the state open to the their use, of a person shall not use more than five tagged lines set to take fish such as trotlines or throw lines, more than five trotlines or throw lines. Such trotlines or throw tagged lines shall not have in the aggregate more than fifteen hooks. Each separate line when in use shall have attached a tag plainly labeled with the owner's name and address, shall be checked at least once each twenty-four hours, and no a person shall not use such throw tagged lines or trotlines in any a stocked lake or within three hundred feet of any a dam or spillway or in any a stream or portion of stream, which is closed or posted against the use of such tackle. One

end of such ~~throw lines or trotlines~~ shall be set from the shore and be visible above the shore waterline, but no such ~~throw line or trotline~~ shall be set entirely across a stream or body of water. Any untagged or unlawful lines when found in use shall be confiscated by any officer appointed by the commission director.

Sec. 28. Section 109.76, Code 1987, is amended to read as follows:

109.76 UNLAWFUL MEANS — EXCEPTION.

It ~~shall be~~ is unlawful, except as otherwise provided, to use on or in the waters of the state any grabhook, snaghook, any kind of a net, seine, trap, firearm, dynamite, or other explosives, or poisonous or stupefying substances, lime, ashes, or electricity in the taking or attempting to take any fish, except that gaffhooks or landing nets may be used to assist in landing fish. No A person shall not take or kill, or attempt to take or kill any fish by hand fishing. However, carp, buffalo, quillback, gar, sheepshead, dogfish, and other rough fish designated by the commission may be taken by hand fishing, by snagging, by spear, by bow and arrow, day or night, and with artificial light. The snagging of paddlefish and other game fish may be permitted at such times and at such places as ~~may be determined by rule~~ rules of the commission.

Sec. 29. Section 109.82, Code 1987, is amended to read as follows:

109.82 PROHIBITED BAIT.

It ~~shall be~~ is unlawful to transport or to use or to sell or offer for bait or to ~~plae~~ introduce into any inland waters of the state or into any waters from which waters of the state may become stocked any fish of carp, quillback, gar, or dogfish, and any minnows or fish of any of these species taken shall not be returned to any such waters, but shall be destroyed. Fish of these species may be returned to the waters from which they were caught.

A person shall not possess live gizzard shad at any lake.

Sec. 30. NEW SECTION. 109.83 PROHIBITED STOCKING.

A person shall not stock or introduce into the waters of the state a live fish, except for hooked bait, without the permission of the director. This section does not apply to privately owned ponds and lakes.

Sec. 31. Section 109.87, Code 1987, is amended to read as follows:

109.87 OPEN SEASONS.

Except as otherwise provided, no a person shall not take, capture, kill, or have in possession any fur-bearing animal or any part thereof of its parts at any time except during the open season as set by the commission under authority of section 109.39 except where such the killing, trapping, or ensnaring ~~may be~~ is for the protection of public or private property with the prior written permission of a duly appointed representative of the commission. All fur-bearing animals so taken shall be relinquished to a representative of the commission. Provided, it shall be lawful for any person to have in possession, sell, transport, or otherwise dispose of during such open season as herein provided, and for ten days thereafter, the carcass of, hide or skin of any animal named in section 109.40.

Taking or attempting to take beaver on private lands or waters without permission of the owner or tenant shall constitute a simple misdemeanor.

Sec. 32. Section 109.90, Code 1987, is amended to read as follows:

109.90 DISTURBING DENS.

It ~~shall be~~ unlawful for any A person to shall not molest or disturb, in any manner, any muskrat den, lodge, or house, beaver dam, skunk, mink, or raccoon den of a fur-bearing animal or beaver dam except by written permission of any an officer appointed by the commission director.

Provided however, that nothing in this This section shall does not prohibit the owner thereof to destroy any such a den to protect the owner's own property.

Sec. 33. Section 109.92, Code 1987, is amended to read as follows:

109.92 BOX TRAPS – DISTURBING DENS – TAGS FOR TRAPS.

Except as otherwise provided in this chapter ~~no~~ a person shall at any time, not use or attempt to use any colony traps in taking, capturing, trapping, or killing any game or fur-bearing animals. Box traps capable of capturing more than one game or fur-bearing animal at each setting are prohibited. A valid hunting license is required for box trapping cottontail rabbits and squirrels. All traps and snares used for the taking of fur-bearing animals shall have a metal tag attached plainly labeled with the ~~owner's~~ user's name and address. All traps and snares, except those which are placed entirely under water, shall be checked at least once every twenty-four hours. Officers appointed by the ~~commission~~ shall have authority to department may confiscate such traps ~~when and~~ snares found in use that are not properly labeled or checked.

~~It shall be unlawful for any person, except~~ Except as otherwise provided, to a person shall not use any chemicals, explosives, smoking devices, mechanical ferrets, wire, tool, instrument, or water to remove fur-bearing animals from their dens. Humane traps, or traps designed to kill instantly, with a jaw spread, as originally manufactured, exceeding eight inches shall be are unlawful to use except when placed entirely under water.

Conibear type traps and snares shall not be set on the right-of-way of a public road within two hundred yards of the entry to a private drive serving a residence without the permission of the occupant.

A snare when set shall not have a loop larger than eight inches in horizontal measurement except for a snare set with at least one-half of the loop underwater. A snare set on private land other than roadsides within thirty yards of a pond, lake, creek, drainage ditch, stream, or river shall not have a loop larger than eleven inches in horizontal measurement.

All snares shall have a functional deer lock which will not allow the snare loop to close smaller than two and one-half inches in diameter.

Sec. 34. Section 109.93, Code 1987, is amended to read as follows:

109.93 HUNTING BY ARTIFICIAL LIGHT.

~~It shall be unlawful to~~ A person shall not throw or cast the rays of a spotlight, headlight, or other artificial light on ~~any~~ a highway, or in ~~any~~ a field, woodland, or forest for the purpose of spotting, locating, or taking or attempting to take ~~any~~ a bird or animal, except raccoons or other fur-bearing animals when treed with the aid of dogs, while having in possession or control, either singly or as one of a group of persons, any firearm, bow, or other implement or device whereby game a bird or animal could be killed or taken.

Any person violating this section shall be guilty of a simple misdemeanor.

Sec. 35. Section 109.98, Code 1987, is amended to read as follows:

109.98 REPORTING VIOLATIONS.

~~It shall be the duty of each~~ Each fur dealer to shall report to the commission, the name of any person if known to ~~such~~ the dealer, who attempts to sell any skins or hides which appear to have been unlawfully taken, or possessed by ~~said~~ that person.

Sec. 36. Section 109.120, Code 1987, is amended to read as follows:

109.120 HUNTING FROM AIRCRAFT OR SNOWMOBILES PROHIBITED.

~~It shall be unlawful for any~~ A person to, either singly or as one of a group of persons, shall not intentionally kill or wound, attempt to kill or wound, or pursue any animal, fowl, or fish from or with an aircraft in flight or from or with any self-propelled vehicles designed for travel on snow or ice which utilize sled type runners, or skis, or an endless belt tread, or wheel or any combination thereof and which are commonly known as snowmobiles. Any person who violates the provisions of this section shall be guilty of a simple misdemeanor.

Sec. 37. Section 109.122, Code 1987, is amended to read as follows:

**109.122 DEER HUNTERS' ORANGE APPAREL.**

~~It shall be unlawful for any A person to shall not~~ hunt deer with firearms unless the person is at the time wearing one or more of the following articles of visible, external apparel: Vest A vest, coat, jacket, sweatshirt, sweater, shirt or coveralls, hat or cap, the color of which shall be solid blaze orange and shall provide an iridescent effect.

Sec. 38. Section 109.123, Code 1987, is amended to read as follows:

**109.123 PROHIBITED HUNTING NEAR BUILDINGS.**

A person shall not ~~hunt~~ discharge a firearm at any game or fur-bearing animal within two hundred yards of ~~any~~ a building inhabited by people or domestic livestock unless the owner or tenant has given consent.

Sec. 39. Section 109.126, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 6. All transactions, tags, and specimens left in the custody of the taxidermist by another person shall be open to inspection by a conservation officer at any reasonable hour.

Sec. 40. Section 109.126, subsection 2, Code 1987, is amended to read as follows:

2. A license is required for the practice of taxidermy. The commission, upon application and payment of the required license fee, shall furnish proper certificates to the applicant. The director may revoke the license for good cause.

Sec. 41. Section 109.130, Code 1987, is amended to read as follows:

**109.130 DAMAGES IN ADDITION TO PENALTY.**

In addition to the penalties for violations of this chapter and chapters 109A, 109B, 111, and 111A, ~~any~~ a person convicted of unlawfully selling, taking, catching, killing, injuring, destroying, or having in possession any fish, game, or fur-bearing animal, shall reimburse the state for the value of such as follows:

1. For each deer, elk, antelope, buffalo or moose, seven hundred fifty one thousand dollars.
2. For each wild turkey, two hundred dollars.
3. For each ~~game bird, fur-bearing animal~~ or game animal or the raw pelt or plumage of such ~~game bird or animal~~ for which damages are not otherwise prescribed, twenty-five to fifty dollars.
4. For each fish, five reptile, mussel, or amphibian, fifteen dollars.
5. For each beaver, mink, otter, red fox, gray fox, or raccoon, one two hundred dollars.
6. For each animal classified by the commission as an endangered or threatened species, one thousand dollars.
7. For each deer, seven hundred fifty dollars.

Sec. 42. Section 110.24, Code 1987, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. A lessee of a camping space at a campground may fish on a private lake or pond on the premises of the campground without a license if the lease confers an exclusive right to fish in common with the rights of the owner and other lessees.

NEW UNNUMBERED PARAGRAPH. The department may issue a permit, subject to conditions established by the department, which authorizes the patients of a substance abuse facility to fish without a license as a supervised group.

Sec. 43. NEW SECTION. 110.38 LIGHTING BY LAW ENFORCEMENT VEHICLES OF CONSERVATION OFFICER.

The required usage of lighting devices set out in sections 321.384 through 321.409 and section 321.415 does not apply to official law enforcement vehicles operated by conservation officers

appointed under section 107.13, while these vehicles are being used in criminal investigations or while attempting to apprehend suspected criminals.

Sec. 44. Section 110A.3, unnumbered paragraph 2, Code 1987, is amended to read as follows:

Pen-reared game birds, as defined in section ~~109.41~~ 109.1, released on licensed area may be taken during the shooting season provided in this chapter but not to exceed eighty percent of the total number of the species of said game birds released. Pen-reared waterfowl, two generations removed from the wild and chukar partridge may be released at any time of year for shooting purposes and one hundred percent may be harvested by shooting. The word "waterfowl" shall be defined as those birds constituting the Anatidae as listed in section ~~109.41~~ 109.1. All birds so released shall be at least twelve weeks of age before liberation date. A minimum of one hundred pen-reared birds of each species to be shot shall be released during the open season. Experimental releases of less than one hundred birds of each species shall require a special permit from the ~~commission~~ department.

Sec. 45. Section 111A.6, unnumbered paragraph 1, Code 1987, is amended to read as follows:

Upon request of the county conservation board, the board of supervisors shall establish a reserve for county conservation land acquisition and capital improvement projects. The board of supervisors may periodically credit an amount of money to the reserve. Moneys credited to the reserve shall remain in the reserve until expended for such the projects upon warrants requisitioned by the county conservation board. The interest earned on moneys received from bequests and donations in the reserve account which are invested pursuant to section 453.1 shall be credited to the reserve account.

Sec. 46. Section 111C.2, subsection 3, Code 1987, is amended to read as follows:

3. "Recreational purpose" means the following or any combination thereof: Hunting, trapping, horseback riding, fishing, swimming, boating, camping, picnicking, hiking, pleasure driving, motorcycling, nature study, water skiing, snowmobiling, other summer and winter sports, and viewing or enjoying historical, archaeological, scenic, or scientific sites while going to and from or actually engaged therein.

Sec. 47. Sections 109.40, 109.41, and 109.43 through 109.46, Code 1987, are repealed.

Approved May 11, 1988

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## CHAPTER 1217

### COMMUNITY AND RURAL INFRASTRUCTURE, HOUSING, AND SEWAGE TREATMENT DEVELOPMENT AND FINANCING

*S.F. 2092*

**AN ACT** establishing a community and rural development loan program and a sewage treatment works financing program to assist communities in financing sewage treatment projects and in financing traditional and new infrastructure and housing for needy and elderly, authorizing the Iowa finance authority to issue bonds and notes for the program, and providing an appropriation from a revolving fund to be used for each program, and providing effective dates.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. NEW SECTION. 15.281 TITLE.

This part shall be known as the "Community and Rural Development Loan Program".